IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 603 of 2003 (M/B)

1. Mahesh Gandhi s/o Radhey Shyam Sharma,
   R/o Mohalla Pahari Bazar,
   Kankhal, District Haridwar
2. Tusar Sharma s/o Shyam Manohar Sharma,
   R/o Chaupata Kankhal,
   District Haridwar …… Petitioners

Versus

1. State of Uttaranchal through Secretary
   Revenue Department, Dehradun.
2. District Magistrate/Collector
   Haridwar.
3. State Bank of India,
   Agriculture Branch,
   Ram Nagar, Roorkee
   District Haridwar.
4. Brahmwati w/o Chhanga
5. Tej Pal s/o Chhanga
6. Dharampal s/o Chhanga
7. Ompal s/o Chhanga

All resident of village Bahadurpur Jath Tehsil
And District Haridwar ……Respondents

Mr. Alok Singh, Senior Advocate with Mr. D. Barhwal, Advocate for the petitioners.
Mr. N.C. Gupta, Standing Counsel for respondents 1 and 2.
Mr. D.S. Patani, Advocate for respondent no. 3.
None for respondents 4 to 7.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Alok Singh, Senior Advocate with Mr. D. Barhwal, Advocate for the petitioners.

Mr. N.C.Gupta, Standing Counsel for respondents 1 and 2.

Mr. D.S. Patani, Advocate for respondent no. 3.

None for respondents 4 to 7.

2. The petitioners have filled this writ petition for the following reliefs:

"A. Issue a writ, order or direction in the nature of mandamus/prohibition commanding the respondent nos. 1, 2 and 3 not to sale the property of Khasra No. 409 and 572 of village Bahadurpur Jath Tehsil and District Haridwar for the recovery of loan against the respondent nos. 4,5,6 and 7.

B. Issue any suitable writ, order or direction in the nature of which this Hon'ble Court may deem fit and proper in the circumstances of the case.

C. Award the cost of the writ petition to the petitioners."

3. From the averments made in the petition and the prayers quoted above, it is apparent that the writ petition is not maintainable for the reliefs sought by the petitioners in this petition.

4. The petitioners, however, shall be at liberty to implead the necessary parties in the suit instituted by them before the Civil Court for the redressal of the grievances projected in the petition.

5. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
03.04.2006 **03.04.2006**

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